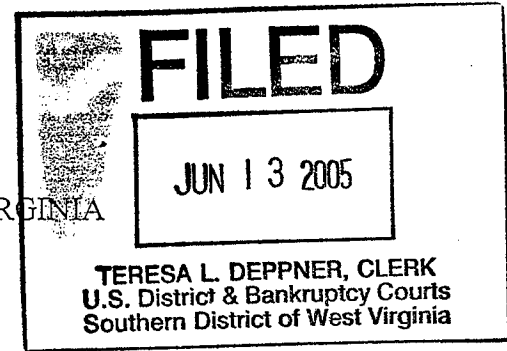


UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION



FRANKLIN BRAGG,

Plaintiff,

v.

CIVIL ACTION NO: 2:05-0355

JOYCE VESSEY SWANSON,  
in her official capacity as  
Principal of Hurricane High School,  
and THE BOARD OF EDUCATION  
OF THE COUNTY OF PUTNAM,

Defendants.

**MOTION FOR AWARD OF ATTORNEY FEES AND COSTS**

Plaintiff, by counsel undersigned, does hereby petition this Court for an award of attorneys fees as the prevailing party in this case which was brought under 42 U.S.C. § 1983. Plaintiffs were successful before this Court in vindicating Mr. Bragg's First Amendment rights and therefore, based upon the attached Affidavits, seek an award of \$8,267.67. The request includes fees of \$5,587.50 for Roger D. Forman at \$250.00 per hour and \$2,190 for Terri S. Baur at \$150.00 per hour.

This request also includes the costs as delineated in the attached Affidavit.

Franklin Bragg  
By Counsel

*Rog Forman* #7175

ACLU OF WEST VIRGINIA FOUNDATION  
ROGER D. FORMAN, ESQ. (#1249)  
FORMAN & HUBER, L.C.  
100 Capitol Street, Suite 400  
Charleston, WV 25301  
(304) 346-600

*Terri S. Baur*

TERRI S. BAUR, ESQ. (#9495)  
ACLU OF WEST VIRGINIA FOUNDATION  
205 Capitol Street, Suite 201  
P.O. Box 3952  
Charleston, WV 25339-3952  
(304) 345-9246

Attorneys for Plaintiff

**AFFIDAVIT OF ROGER D. FORMAN**

**STATE OF WEST VIRGINIA,**


**COUNTY OF KANAWHA, to-wit;**

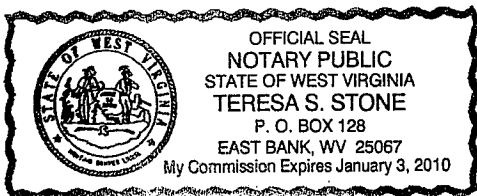
I, Roger D. Forman, upon verification, do hereby state that I have been a practicing lawyer since 1975. I have practiced before the State and Federal Courts and have tried numerous cases in all of the above courts. I have also appeared in a number of civil liberties cases and do believe the requested fee to be reasonable.

  
\_\_\_\_\_  
ROGER D. FORMAN

Taken, subscribed and sworn to before me this 13th day of JUNE, 2005, by  
Roger D. Forman.

My Commission expires JANUARY 3, 2010.

  
\_\_\_\_\_  
NOTARY PUBLIC



UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION

FRANKLIN BRAGG,

Plaintiff,

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and THE BOARD OF EDUCATION  
OF THE COUNTY OF PUTNAM,

Defendants.

**WORK PERFORMED BY ROGER D. FORMAN AT THE RATE OF \$250.00 PER HOUR:**

4/27/05	Drafted Complaint and Verifications - Meeting with client	1.5
4/28/05	Finalized Complaint	.5
5/2/05	Drafted Motion for Preliminary Injunction and Memorandum in Support	3.5
5/2/05	Pre-hearing conference with Judge and counsel	.75
5/3/05	Finalized and filed Memorandum	1.0
5/4/05	Meeting with client and witnesses to review documents and prepare testimony	1.5
5/5/05	Review cases - prepare for trial - phone conference with client and discussion with co-counsel	2.0
5/6/05	Phone conference with client and Greg Bailey - research - Reviewed defendant's brief - work on reply brief - Review cases	4.0

5/8/05	Prepared legal arguments - reviewed several relevant cases	1.5
5/9/05	Discussions with witnesses - Trial Preparation - Attendance at trial	5.0
5/11/05	Letter to client enclosing shirt and belt buckle	.1
6/1/05	Reviewed Memorandum Opinion and Order of Judge Copenhaver - Discussed with client	1.0

**Total Time: 22.35**

**Total Amount Due: \$5,587.50**

**EXPENSES INCURRED BY FORMAN & HUBER:**

U.S. District Court (filing fee)	\$250.00
LexisNexis (Research)	144.77
Discreet Inquiries, Inc.	95.40

**TOTAL: \$490.17**

INVOICE NO.	INVOICE DATE
0504148369	30-APR-05

ACCOUNT NUMBER
116RC1

BILLING PERIOD 01-APR-05 - 30-APR-05

INVOICE TO:  
FORMAN & HUBER  
CHARLESTON, WV 25301-2674

**ITEMIZATION OF LEXISNEXIS ONLINE CHARGES**  
ACCOUNT SUMMARY BY CLIENT

CLIENT AND NO CLIENT ID SPECIFIED***	CONTRACT USE		TRANSACTIONAL USE		TOTAL		TAX	TOTAL CHARGES
	GROSS AMOUNT	ADJUSTMENT	NET AMOUNT	OVER THE CAP	OUTSIDE CONTRACT	BEFORE TAX		
GARY MASSEY HUBER	\$125.25 \$82.50 -	- \$14.02 \$9.23	\$0.00 \$139.27 \$91.73 \$0.00	- - - -	- \$5.50 -	\$0.00 \$144.77 \$91.73 \$0.00	- - -	\$0.00 \$144.77 \$91.73 \$0.00
ACCOUNT TOTAL:	\$207.75	\$23.25	\$231.00	\$0.00	\$5.50	\$236.50	\$0.00	\$236.50

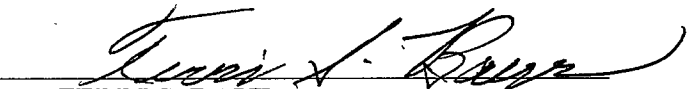
***Thanks for letting us serve you!***

**AFFIDAVIT OF TERRI S. BAUR**

**STATE OF WEST VIRGINIA,**

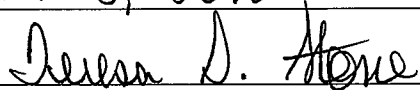
**COUNTY OF KANAWHA, to-wit;**

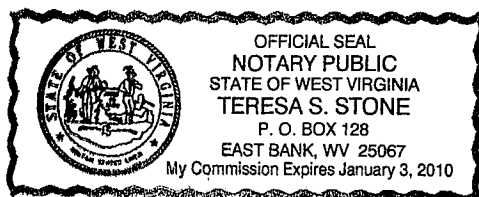
I, Terri S. Baur, upon verification, do hereby state that I have been a practicing lawyer since 1997. I was admitted to the State Bar of California in June 1997 and practiced there in the areas of immigration, special education, and civil rights. I have been staff attorney for the ACLU of West Virginia Foundation since February 2004. Before my admission to the West Virginia State Bar by reciprocity on September 14, 2004, I was admitted to practice under Rule 9. I believe the requested fee to be reasonable.

  
TERRI S. BAUR

Taken, subscribed and sworn to before me this 8th. day of JUNE, 2005, by  
Terri S. Baur..

My Commission expires JANUARY 3, 2010.

  
NOTARY PUBLIC





UNITED STATES DISTRICT COURT  
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and THE BOARD OF EDUCATION  
OF THE COUNTY OF PUTNAM,

Defendants.

**WORK PERFORMED BY TERRI S. BAUR AT THE RATE OF \$150.00 PER HOUR:**

11/16/04	Telephone call to client	.25
11/04	Research case law	1.75
12/04	Research cases; draft letter to school	3.25
1/10/05	Finalize and send letter to school requesting dress code revision and expungement	1.25
2/9/05	Telephone call to client re school's response	.25
2/12/05	Telephone reply to client re dress code incident.	.1
2/24/05	Meeting with client to discuss case.	.5
5/2/05	Pre-hearing conference with Judge and counsel	.75
5/4/05	Meeting with client and witnesses to review documents and prepare testimony	1.5
5/9/05	Discussions with witnesses - Trial Preparation - Attendance at trial	5.0

<b>Total Time:</b>	<b>14.6</b>
<b>Total Amount Due:</b>	<b>\$2,190</b>

UNITED STATES DISTRICT COURT  
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Defendants.

CERTIFICATE OF SERVICE

I, Roger D. Forman, as counsel for the plaintiff, do hereby certify that a true and correct copy of the foregoing MOTION FOR AWARD OF ATTORNEY FEES AND COSTS was served upon counsel of record herein by placing a true and correct copy thereof in the U.S. Mail, postage pre-paid, on the 13<sup>th</sup> day of June, 2005, to the following:

Greg Bailey, Esquire  
Bowles, Rice, McDavid, Graff & Love  
P.O. Box 1386  
Charleston, WV 25325-1386

  
ROGER D. FORMAN, ESQ.